

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 08-103

v.

*

SECTION: “C” (2)

**LUIZ ANTONIO NASCIMENTO
a/k/a Paulo Nascimento**

*

VIOLATION: 8 U.S.C. § 1326(a)

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FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **LUIZ ANTONIO NASCIMENTO a/k/a Paulo Nascimento** (hereinafter “**NASCIMENTO**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326.

A Special Agent with Immigration and Customs Enforcement would testify that on March 26, 2008 he found the defendant **NASCIMENTO** within the Eastern District of Louisiana. Upon questioning the defendant, ICE determined that the defendant was a citizen of Brazil and was illegally in the United States after having entered near San Ysidro, California in 2006. The agent

confirmed this illegal status through the INS computer database. After determining the defendant was illegally in the country, the defendant was transferred into federal deportation custody on March 26, 2008.

Documentation from the records of ICE would reveal two previous Orders of Removal, complete with the defendant's fingerprints and signature, which demonstrates that the defendant **NASCIMENTO** was deported from Miami, Florida via American Airlines flight 905 on November 24, 1995 and deported from Miami, Florida via American Airlines flight 905 on July 26, 1994. A qualified agent would testify that the fingerprints of the defendant in file with the Orders of Removal and the fingerprints of the defendant are the same. Furthermore, the defendant pled guilty to a violation of 8 U.S.C. § 1326(a) on October 18, 1995 before Judge K. Michael Moore of the United States District Court for the Southern District of Florida in Miami, Florida. The defendant **NASCIMENTO** was sentenced to one month confinement (time served) and supervised release of one year and a \$50.00 special assessment.

A Certificate of Non-Existence of Record would show that the defendant **NASCIMENTO** did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for re-admission or receive permission to reenter the United States since the time of the defendant's previous deportation.

W. SCOTT LARAGY
Assistant United States Attorney

Date

LUIZ ANTONIO NASCIMENTO

Date

Samuel J. Scillitani, AFD
Attorney for Defendant

Date